

To Whom This May Concern At The FCC,

For the record the duopoly cable company ISPs wanting bandwidth caps and overage charges don't want to institute them to protect their network from bandwidth hogs but to discourage competition to their digital cable TV offerings from emerging online.

Point is for those ISPs who say "low caps + overage charges will encourage people to use the Internet"? The unsaid ending is "will encourage people to use the Internet for low bandwidth purposes and dissuade them from using online video which competes with our cable TV monopoly." I use Apple's iTunes Store and the Apple TV for downloading and watching movies and TV Shows and can easily in no time at all exceed the small caps Time Warner Cable wanted to set. So I'd be forced to either pay huge fees for the "privilege" of watching shows online or stop watching shows online entirely. (I'd likely do the latter since I couldn't afford the former.) It's not an action to save their network from bandwidth hogs, it's an action to save their cable TV monopoly from Internet-based competition. Even now Time Warner Cable still wants to do this and despite lying that this will enhance the value of the Internet for their customers and that everyone will benefit from it -- TWC is living outside reality they know their customers protested the last time they tried this and don't want these caps but says their customers like them to the press.

Starting an ISP might cost money but there are other factors as mentioned like sleazy activities by the incumbent ISPs to stop competition from emerging.

You know what free market capitalism is -- (this by the way is the best system but requires some government regulation and enforcement of said regulation to protect the markets from monopolies) Free markets require personal freedom to choose. Choice requires multiple options by service and price. Options by service and price require actual competition. Where there is no actual competition there is no possibility of choice and therefore no real freedom. Unregulated monopoly capitalism is not a free market any more than it has proved to be. Right now, in the current "free telecom market" I have to pay the 'loser' duopoly to choose when "I choose" to use the other 'winner' duopoly.

Under Net Neutrality they would not be allowed to do this. So who do we have to thank for our having reduced competition and choice -- the courts that struck down the 1996 Telecommunications Act for the benefit of incumbent phone and cable companies, and the Bush Administration. I urge Congress also to pass The Internet Freedom & Preservation Act by Congressman Ed Markey as well as the Broadband Fairness Act to outlaw deceptive broadband caps.

It's always conservatives that want less regulation and their reducing regulations during the Bush years allowed a duopoly to be formed on the Internet for anyone accessing it in the U.S. By the way

Net Neutrality is in even worse danger in Canada right now. At least the current FCC is working toward Net Neutrality but the Canadian Government has decided to leave the issue of Net Neutrality to citizens and ISPs to worry about.

The reason we have reduced competition is not that its expensive for new ISPs to develop and few find the market profitable enough to enter but the incumbent companies pull so many dirty underhanded tactics to prevent competition from emerging. Recently, I read a new article about a Time Warner Cable executive stating TWC's decision to keep raising its Internet rates as long as they can. They are doing so not because they have to but they want to squeeze every dollar out of consumers. Ever hear the expression "pain at the pump" when gasoline bills were so costly well picture being pinched by the cable and phone company ISPs for every penny. They have expressed their intent to keep raising rates as long as they can -- when too many people find broadband unaffordable and have to cancel service that their fat profit margins decrease then they'll be forced to offer lower pricing but otherwise they intend to keep raising rates all they want.

When speaking of the digital divide -- there is none in Europe -- we have a digital divide with other countries including the European nations which have continued to mandate competition.

With the 1996 Telecommunications Act struck down the phone companies that complained about rules requiring them to do line sharing with smaller ISPs and offer them wholesale rates to buy Internet access cheaply and resell it gave up on doing this as they never wanted to, and only did earlier because they had to.

Under George W. Bush opportunities for monopolies increased but opportunity for actual American citizens stayed about the same or decreased.

The FCC needs to redefine Internet as what it is an information service with a telecommunications service. In 2002 the Bush FCC made the mistake or redefining Internet as purely an information service, but before this time it was classified as an information service with a telecommunications service thus fitting much better within the FCC's jurisdiction.

Reasonable network management means that ISPs must not unfairly discriminate against certain content or services -- I can understand on occasion if too much bandwidth is being used some level of filtering can be done -- but how much is too much? If the market were more competitive -- by the way before AT&T re-merged with SBC Communications & Bell South -- in the years leading up to 2005 AT&T routinely upgraded its networks -- since 2005 rather than investing its cash wisely and fairly -- rather than investing in upgrading its networks something it was doing earlier it shifted its strategy to lobbying against Net Neutrality and lobbying to get their way in Washington. So before

2005 AT&T was upgrading its network infrastructure to accommodate more bandwidth usage -- I have said this before that if the broadband Internet access market were more competitive we would not need Net Neutrality rules to be enforced right now -- I once mentioned an article with a EU Commissioner bragging Net Neutrality was better in Europe and that if Net Neutrality were ever in any real danger there that they would not hesitate to protect it.

Most of us with high speed Internet access get it from a cable or phone company and are our choices between providers are very limited now -- the Bush FCC is to thank for that by allowing mega mergers.

In a more competitive market there would be more incentive to innovate, smaller ISPs would be less interested in bandwidth caps -- now using bandwidth caps as a last resort if the network cannot sustain any additional bandwidth usage in its existing form is reasonable -- we don't want too much bandwidth all used at once that it causes a massive outage and physical harm to the networks. We have a market dominated by big name cable and phone company ISPs -- in a more competitive market there would be more incentive to innovate -- thus more incentive to upgrade IT networks regularly to allow more bandwidth use.

So instead of restricting bandwidth why not upgrade IT networks to accommodate higher bandwidth use. You might argue that such upgrades may be costly -- to a small ISP massive upgrades may be somewhat costly but the big ISPs that dominate the market can afford to make such massive upgrades if they wanted to -- they are too greedy though and disinterested in providing customers worthwhile service. In a duopoly market they can charge whatever they want, reap billions of dollars in profit, and maintain the status quo -- that works for them -- if customers are unhappy with their service too bad -- the big cable and phone companies are the only choice in town for U.S. web surfers and even if there is an alternative provider in your area -- like 2 or 3 companies instead of 1 if the other 2 providers are no better than the 1 you already have your stuck -- it makes no difference which of the 2 or 3 providers you choose -- you can't switch to a better provider if all the providers are providing bad service. Either have service or cancel -- either accept a slower high speed Internet connection or live without Internet at all.

In a competitive market with line sharing mandated, competition and affordability mandated etc and Net Neutrality not in any clear danger the use of bandwidth caps are less common -- I've never heard of bandwidth caps being used in the EU because they aren't used at least not unless absolutely necessary to protect the networks of all the Internet providers there. Unfair and unnecessary bandwidth caps are unacceptable. ISPs wanting to use bandwidth caps should and must provide good reasons for why to do this -- capping the bandwidth of Internet users downloading video over the Web or streaming etc by cable company ISPs as a tactic to discourage us from getting TV online - - that is prioritizing web traffic and content in this manner is wrong -- they're not capping our

bandwidth because we are using too much of it but they want to protect their traditional business models -- cable company ISPs don't want their Internet customers to be able to use online video on demand services in place of digital cable TV services -- that is consumers canceling their cable and watching their shows online via a TV network's own website streaming player or Hulu, YouTube, Boxee etc.

The bandwidth caps if done purely for business and anti competitive reasons which is part of their motive is unacceptable.

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reduced competition and choice -- the courts that struck down the 1996 Telecommunications Act for the benefit of incumbent phone and cable companies, and the Bush Administration. I urge the FCC to act. Furthermore, I urge Congress also to pass The Internet Freedom & Preservation Act by Congressman Ed Markey as well as the Broadband Fairness Act to outlaw deceptive broadband caps.

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Under George W. Bush opportunities for monopolies increased but opportunity for actual American citizens stayed about the same or decreased. Recent reports, suggest while the number of homes with broadband Internet access may have risen in 2009 large numbers of people in minority groups and with limited income are left on the wrong side of the Digital Divide. Metered billing for Internet would only make the Digital Divide much worse. All users should have equal access to the Internet whether rich or poor, urban or rural, well educated with a college degree or not, in a majority or a minority.

In order for all of us to have equal access broadband Internet service providers which are supposed to provide fast Internet cannot make bundles to offer some high speed plans at higher price points and lower speed plans at lower price points. Everyone regardless of income level should be able to afford fast Internet.

Therefore, metered billing schemes should be frowned upon and rejected by the FCC. In the years leading up to 2005-2006 AT&T was upgrading its infrastructure more often to enable more bandwidth to be used easily since re-merging though with SBC Communications & Bell South AT&T is investing less in upgrading infrastructure and is trying to institute bandwidth caps themselves.

Now capping bandwidth for network safety concerns is one thing but allowing incumbent ISPs to do so to prevent competition online from emerging to their core services is not only immoral but it violates the history of telecommunication law.

Using the Information Superhighway analogy we don't have lots of toll booths on federal highways and other roads nor do we currently on the Internet so why should we allow them to develop. Like electricity Internet is a vital public utility and represents the last best chance for the populace to reclaim the media. Internet like electricity is a public utility thus public property -- some networks are private but a vast amount of data on the Internet can be found in the public domain. The public domain hence the term public is public not private in nature.

We must have equal access to the Internet for all Americans. Closing the digital divide by mandating competition, affordable prices, and encouraging innovation while maintaining nondiscrimination rules (I once provided an example of the U.S. Postal Service being required to deliver every letter they pick up. So why should Comcast be able to censor emails from their Internet/email customers and block emails being received by their members or even sent by their members criticizing the company) is essential.